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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD M. TAFOYA,

Defendant and Appellant.

D065426

(Super. Ct. No. SCE309223)

APPEAL from a judgment of the Superior Court of San Diego County, Lantz Lewis, Judge. Affirmed.

Avatar Legal and Cynthia M. Jones, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Richard M. Tafoya entered a negotiated guilty plea to three counts of using personal identifying information of another (Pen. Code, § 530.5, subd. (a); all statutory references are to this code) (counts 1, 2 & 6) and one count of second degree burglary (§ 459) (count 3) and admitted one strike (§ 667 subds. (b)-(i)) and one prior prison term

(§ 667.5, subd. (b)). The court sentenced Tafoya to a stipulated nine years in prison: four years (twice the middle term) on count one; 16 months each (one third the middle term, doubled) on the remaining counts; and one year for the prison prior. Tafoya appeals. We affirm.

## BACKGROUND

In February and March 2011 Tafoya obtained the personal identifying information of the victims and used their information to commit theft. In February, Tafoya entered a store with the intent to commit a felony.

## DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*) counsel mentions as possible, but not arguable issues (1) whether the court properly limited presentence credits to fifty percent of time served and (2) whether the court erred by finding Tafoya competent to stand trial.

We granted Tafoya permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *Wende* and *Anders*, including the possible issues listed pursuant to *Anders*, has disclosed no reasonably arguable appellate issues. Tafoya has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McINTYRE, J.

WE CONCUR:

HUFFMAN, Acting P. J.

O'ROURKE, J.